

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 12, 2006**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **REZONING: Federal Hill Rezoning – 809 Harrison Street, R-4, Medium-High Density, Multi-Family Residential to R-2, Low-Medium Density, Single-Family Residential.**

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: The property located at 809 Harrison Street was intended to be included in the Federal Hill Historic District rezoning. The rezoning petition was initiated by the Planning Commission and rezoned the properties within and adjacent to the Federal Hill Historic District to R-2, Low-Medium Density, Single-Family Residential District. The property located at 809 Harrison Street was included in the staff reports to the Planning Commission and the City Council as being part of the rezoning. However it was inadvertently left out of the legal notice for both public hearings. Since the property was not advertised properly, the City Attorney has opined that new public hearings must be held. The Planning Commission recommended approval of the rezoning because:

- Petition agrees with the Comprehensive Plan which recommends Traditional Residential uses for this neighborhood.
- Petition agrees with the Zoning Ordinance in that an R-2, Low-Medium Density, Single-Family Residential District, better represents the evolving character of the neighborhood.

PRIOR ACTION(S):

August 9, 2006: Planning Division recommended approval of the rezoning.
Planning Commission recommended approval (5-0, with 1 absent, Worthington) of the rezoning.

FISCAL IMPACT: N/A

CONTACT:

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- PC Memorandum
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Speaker Sign-Up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE INCLUDING A PIECE OF PROPERTY IN THE FEDERAL HILL HISTORIC DISTRICT AND REZONING THE PIECE OF PROPERTY FROM R-4, MEDIUM-HIGH DENSITY, MULTI-FAMILY RESIDENTIAL DISTRICT TO R-2, LOW-MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Including a certain area in the Federal Hill Historic District and rezoning said piece of property from R-4, Medium-High Density, Multi-Family Residential District to R-2, Low-Medium Density, Single-Family Residential District.

The area embraced within the following boundaries . . .

The property known as 809 Harrison Street.

. . . is hereby included in the Federal Hill Historic District and the zoning is hereby changed from R-4, Medium-High Density, Multi-Family Residential District to R-2, Low-Medium Density, Single-Family Residential District.

And the Director of the Department of Community Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council



The Department of Community Development
Planning Division
455-3900

To: Planning Commission
From: Tom Martin, AICP, City Planner
Subj: Rezoning – 809 Harrison Street
Date: August 9, 2006

The property located at 809 Harrison Street was intended to be included in the Federal Hill Historic District Rezoning. This rezoning petition was initiated by the Planning Commission and rezoned the properties within and adjacent to the Federal Hill Historic District from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District.

This petition was heard by the Planning Commission at its May 24, 2006 meeting and the Commission recommended approval of the rezoning (7-0) with the removal of the Frank Roane Apartments located at 900 Federal Street. The City Council approved the rezoning.

The property located at 809 Harrison Street was included in the staff reports to Planning Commission and City Council as being part of the rezoning. However it was inadvertently left off of the legal notice for both public hearings. Since the property was not advertised properly, the City Attorney has given the opinion that the property could not be rezoned. The property owners Thomas & Phyllis Harless have been notified and are supportive of the City correcting the problem as it was their original intent to have the property included.

The Planning Division recommends approval of the rezoning.

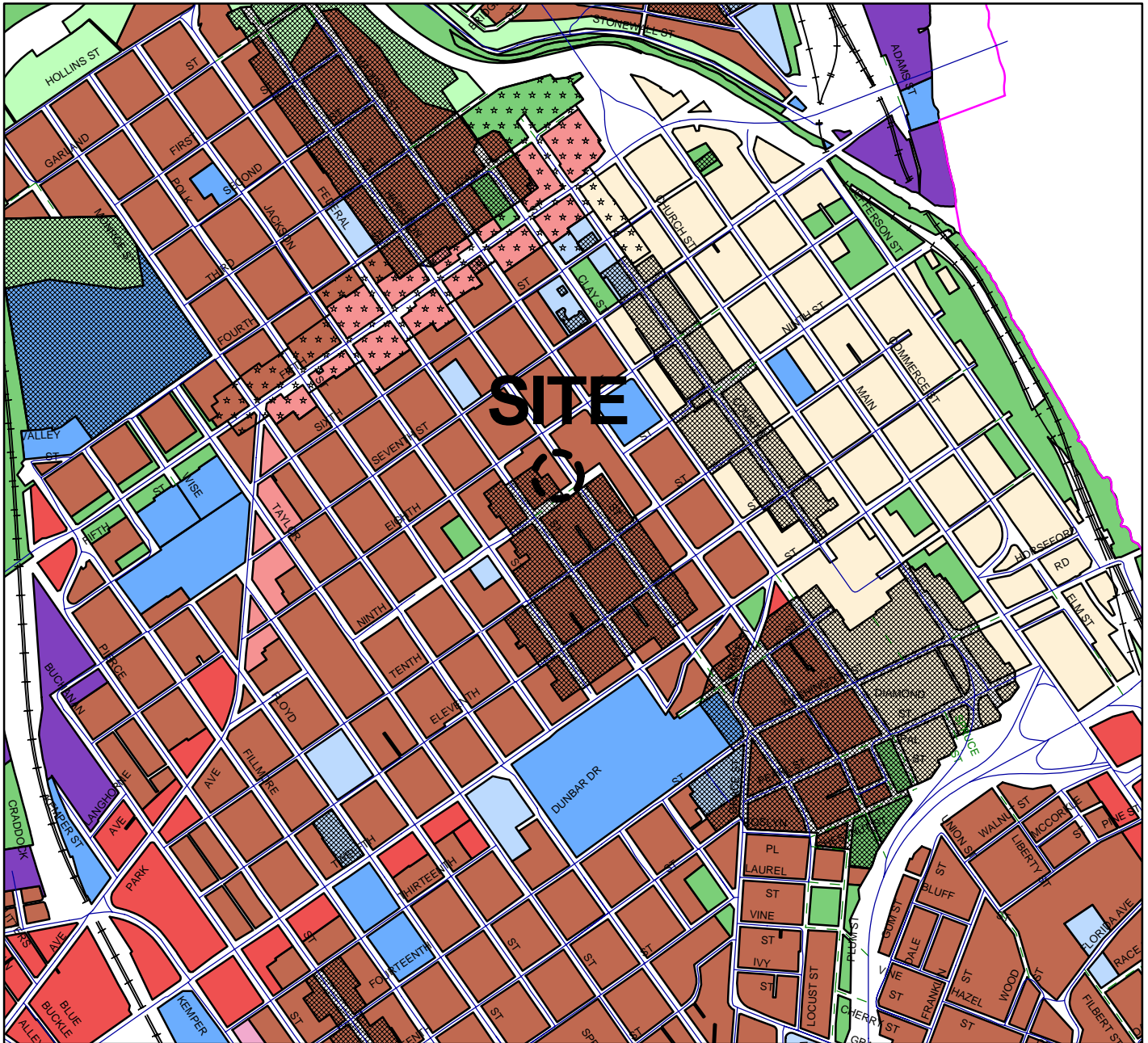
MINUTES FROM THE AUGUST 9 PLANNING COMMISSION MEETING. THESE MINUTES HAVE BEEN REVIEWED BUT NOT APPROVED BY THE COMMISSION.

Consideration of rezoning approximately .287 acres at 809 Harrison Street from R-4, Medium-High Density Multi-Family Residential District to R-2, Low-Medium Density Single-Family Residential District.

After discussion Commissioner Oglesby made the following motion, which was seconded by Commissioner Sale and passed by the following vote:

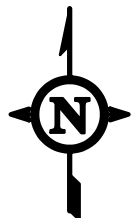
“That the Planning Commission recommends to the City Council that the property located at 809 Harrison Street be included in the Federal Hill Historic District rezoning would rezoned the property to R-2, Low-Medium Density, Single-Family Residential District. Petition agrees with the Comprehensive Plan which recommends Traditional Residential uses for this neighborhood. Petition agrees with the Zoning Ordinance in that an R-2, Low-Medium Density, Single-Family Residential District, better represents the evolving character of the neighborhood.”

AYES:	Barnes, Flint, Hamilton, Oglesby, Sale	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Worthington	1



809 HARRISON STREET LAND USE PLAN

- Public Parks
- Resource Conservation
- Public Use
- Institution
- Downtown
- Office
- Employment 1
- Employment 2
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Traditional Residential
- LocalHistoricDistrict
- MixedLandUse



MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



200 ft Radius



809 HARRISON STREET

HARLESS, THOMAS A & BOLTON, PHYLLIS	810 FEDERAL ST
EIGHTH ST BAPTIST CHURCH TR	700 EIGHTH ST
COLLEGE HILL	
C/O WESTMINISTER CO	810 HARRISON ST
MITCHELL, SANDRA F	815 FEDERAL ST
SAI ASSOCIATES	
C/O REILLY MORTGAGE ASSOCS	702 FEDERAL ST
HARLESS, THOMAS A	822 FEDERAL ST
OSBEY, JASON	906 HARRISON ST
L C F & ASSOCIATES	
C/O VA HOUSING & DEVELOPMENT	900 FEDERAL ST
EIGHTH STREET BAPTIST CH.TRUS	710 EIGHTH ST
HARLESS, THOMAS A & BOLTON, PHYLLIS	809 HARRISON ST
OSBEY, JASON L	904 HARRISON ST
EIGHTH ST BAPTIST CHURCH TR	704 EIGHTH ST
MITCHELL, SANDRA F	813 FEDERAL ST
OSBEY, JAMES F	900 HARRISON ST